IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 25235 of 2004

Between:

1. G.Ramakrishnaiah S/o G.Nagaiah
   R/o R.Mallavaram (V) Kummarapalli (P) Renigunta (M)
   Chittoor District.

2. K.Sundarami Reddy S/o K.Chinnapu Reddy
   Kummarapalli (P) Renigunta (M)
   Chittoor District.

... PETITIONERS

AND

1 The Commissioner of Land Administration
(Surveys & Settlements) Nampally, Hyderabad.
2 The District Collector, Tirupathi,
Chittoor District.
3 The Mandal Revenue Officer Renigunta Mandal,
Chittoor District.
4 K.Lingamunipillai S/o
Kummarapalli(P) Renigunta(M),
Chittoor district.
5 T.Krishnapillai S/o
D.No.20-1-142/5 Korlagunta, Tirupathi,

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents as illegal, arbitrary and void and consequentially direct the respondents 1 to 3 to cancel the Patta No.TQR-7958/77 and re-allot the Thukki Gangamma Gunta land in Sy.No.306/1 to an extent of 3.15 acres to Gangamma Temple of

R.Mallavaram Village, Renigunta Mandal, Chittoor District.

Counsel for the Petitioners: K.ARUNA
Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following:

HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.25235 OF 2004

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader and with their consent the writ petition is disposed of at the admission stage.

This writ petition is filed seeking a Writ of *Mandamus* declaring the action of the respondents as illegal, arbitrary and void and consequentially direct the respondents 1 to 3 to cancel the Patta No.TQR-7958/77 and re-allot the Thukki Gangamma Gunta land in Sy.No.306/1, to an extent of 3.15 acres, of Gangamma Temple of R.Mallavaram Village, Renigunta Mandal, Chittoor District.

The case of the petitioners is that there exists a temple viz.,Gangamma Temple in their village R.Mallavaram and adjacent to it there is a Gunta in an extent of 3.15 acres, called 'Thukki Gangamma Gunta', which is being used by the villagers while offering their prayers and while conducting Jathara from innumerable years. The temple land was settled in favour of late K.Raghupathipillai and fourth respondent *vide* proceedings No.TQR-7958/77. The further case of the petitioner is that the said Raghupathipillai and the fourth respondent were never in possession of the land and that the temple land cannot be alienated. That the villagers made number of representations to the authorities to cancel the above settlement pattas and vest the land to the temple, but the authorities did not heed to their request. While the matter stood thus, the fifth respondent made attempts to occupy the said land and levelled

it, and he is contemplating to cultivate the said land. In spite of the protest from the villagers, the fifth respondent made attempt to block the way to go over to the temple, as such the petitioners approached this Court by way of this writ petition.

The main grievance of the petitioners is that the fifth respondent is trying to encroach the temple land - 'Thukki Gangamma Gunta". Settlement patta in respect of the land in question, is said to have been granted in favour of the fourth respondent and one late K.Raghupathipillai. According to the petitioners, neither the fourth respondents nor late K.Raghupathipillai were in possession of the land and that land being the temple land cannot be alienated. Petitioners made representation dated 09-09-2004, to the second respondent-District Collector, requesting cancellation of the said patta.

In view of the facts and circumstances, I deem it appropriate to direct the respondents to consider the representation, dated 09-09-2004, stated to have been made by the petitioners and pass appropriate orders thereon, only after issuing notice to the fourth respondent and also after giving opportunity to the fourth respondent to put forth his case.

With the above observations, the writ petition is disposed of. No order as to costs.

31.12.2004

Mdaa

To

1 The Commissioner of Land Administration
(Surveys & Settlements) Nampally, Hyderabad.

2 The District Collector, Tirupathi,
Chittoor District.

3 The Mandal Revenue Officer Renigunta Mandal,
Chittoor District.

4. 2CCs to the G.P. for Revenue, High Court of A.P.,
Hyderabad (OUT)

5. 2CD copies